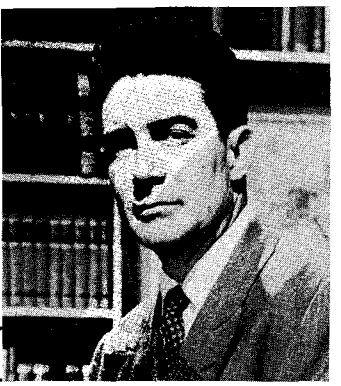
THE
Dan Smoot Report

Vol. 12, No. 6 (Broadcast 546) February 7, 1966 Dallas, Texas



DAN SMOOT

THE SWORD OF DAMOCLES

"The way to have good and safe government is not to trust it all to one; but to divide it among the many, distributing to every one exactly the functions he is competent to. Let the National government be entrusted with the defense of the nation, and its foreign and federal relations; the State government with the civil rights, laws, police and administration of what concerns the State generally; the counties with the local concerns of the counties and each ward direct the interests within itself. It is by dividing and subdividing these republics, from the great national one down through all its subordinations, until it ends in the administration of every man's farm and affairs by himself; . . . that all will be done for the best. What has destroyed liberty and the rights of man in every government which has ever existed under the sun? The generalizing and concentrating all cares and powers into one body, no matter whether of the autocrats of Russia or France or of the aristocrats of a Venetian Senate."

—Thomas Jefferson

Eternal vigilance is the price of liberty. Liberty cannot be maintained unless the people are so jealous of it that they look with suspicion upon every act of government. Power corrupts, and absolute power corrupts absolutely: this is an eternal truth which a free people can forget only at the peril of their freedom. Thomas Jefferson succinctly stated the proper public attitude toward government officials when he said that in questions of political power, we should not talk about *confidence* in men, but should bind them down from mischief with the chains of a Constitution.

No matter who is President of the United States; no matter how big a "landslide victory" put him in office; no matter how highly polls of public opinion rate his popularity — freedom is always in grave danger when the people become unconcerned about affairs of government, because they trust their elected President.

Even if we had a President whose career reflected lifetime devotion to principles of liberty and abhorrence of illegal usurpation of power — it would still be dangerous for us to trust him im-

THE DAN SMOOT REPORT, a magazine published every week by The Dan Smoot Report, Inc., mailing address P. O. Box 9538, Lakewood Station, Dallas, Texas 75214; Telephone TAylor 1-2303 (office address 6441 Gaston Avenue). Subscription rates: $10.00 a year, $6.00 for 6 months, $18.00 for two years. For first class mail $12.50 a year; by airmail (including APO and FPO) $14.50 a year. Reprints of specific issues: 1 copy for 25¢; 6 for $1.00; 50 for $5.50; 100 for $10.00—each price for bulk mailing to one person. Texans add 2% for sales tax on reprints, books, and records ordered for Texas delivery.

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plicitly to tell the truth; trust him not to exercise authority unnecessarily; trust him to act only in the best interests of the nation. The folly of such confidence is multiplied and magnified when proof abounds that the President deliberately deceives the people; that he usurps and uses illegal power; that he makes decisions harmful to the national interests of the United States.

As to trusting our President always to tell us the truth: let us not forget what happened on October 29, 1962. On that day, Arthur Sylvester (Assistant Secretary of Defense for Public Affairs) admitted that the Kennedy administration was giving the public false information about Cuba. Sylvester defended official falsification of the news as proper "management" and "control," saying that the "generation of news" by officialdom is "part of the weaponry that a President has" in the "solution of political problems" — that the end of creating, in the minds of the people, the correct attitude about government programs, justifies the means.[1]

President Lyndon B. Johnson has continued the policy of telling the public what he wants the public to hear, regardless of fact. Official distortion of news concerning the war in Vietnam appears to be a firm policy of the President.

Let us remember also President John F. Kennedy's statement on May 12, 1963, concerning the dispatch of Federal troops to Alabama. The President said:

"This Government will do whatever must be done to . . . uphold the law of the land . . . . The Birmingham agreement was and is a fair and just accord . . . . The Federal Government will not permit it to be sabotaged by a few extremists on either side who think they can defy both the law and the wishes of responsible citizens by inciting or inviting violence."[2]

Unless there is obvious and significant violation of legitimate federal authority, the President (under the Constitution) has no right to send troops into a state to maintain order, except on invitation from the government of that state. In Alabama, the Governor had asked the President *not* to send troops. Federal authority was not being violated. The President acted on a "law of the land" which did not exist. No federal law, or federal court order, was involved. The "Birmingham agreement," which the President said he would enforce with federal troops, was a private agreement between whites and negroes, dealing primarily with the question of job opportunities for negroes.[3]

As to "inciting or inviting violence" in Alabama, the President himself was guilty of that, by continual agitation of the delicate situation.[3]

In his 1962 armed invasion of Mississippi and in his lawless Alabama operation of 1963, President Kennedy followed the precedent of Eisenhower's armed intervention at Little Rock, Arkansas, in 1957. President Johnson followed the same precedent in March, 1965, when he ordered out the national guard in Alabama to protect an assorted rabble of human scum in the disgraceful Selma-to-Montgomery civil rights march.[3]

It is notable, however, that Presidents Dwight D. Eisenhower and Kennedy ignored lawless union violence which shattered the peace and security of many communities during their administrations; that President Johnson did nothing about violent negro insurrections which rocked Harlem and Rochester in 1964, Los Angeles and Chicago in 1965.

In short, the records of our last three Presidents prove indisputably that Presidents do deceive the public, do use power illegally to promote their political ambitions.

President Johnson's action regarding Panama provides one illustration to prove that it is blind faith, dangerously placed, for the people to believe they can always trust the President to act in the best interests of the United States.

After several years of communist-incited violence against Americans and American property in the Panama Canal Zone, and repeated communist-incited demonstrations against American national sovereignty in our Canal Zone, the Panamanian government, on January 17, 1964, broke diplomatic relations with the United States. The

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Panamanian government made three demands (which international communism has been making for years):[4] (1) abrogation of the 1903 Treaty by which the United States acquired perpetual ownership and sovereignty in the Panama Canal Zone; (2) recognition of *Panamanian* sovereignty over the U. S. Canal Zone; (3) granting to Panama a greater share of the revenue from operations of the Canal.[5]

On September 24, 1965, President Johnson announced that he had agreed to a new treaty with Panama, granting all three demands.[6]

Our government's disarmament activities, at a time when the nation is actually at war, should also drive home the fact that it is dangerous for the people to remain complacent about the conduct of public affairs, on the assumption that our chosen leaders can be trusted to do what is best for the country.[7]

The close relationship between disarmament of the United States and the building of a one-world socialist dictatorship was revealed during the Kennedy administration in a report prepared by the Arms Control and Disarmament Agency. UN officials realize that the massive outpouring of American tax dollars (at home and abroad) is rapidly building a one-world socialist system; that most of the spending is done under the guise of arming to resist communism; that the U. S. government is moving toward unilateral disarmament of the United States. Concerned about the reduction of U. S. government spending which disarmament might bring, the UN Secretariat (on September 22, 1961) requested information on "the economic and social consequences of disarmament in the U. S."

The U. S. Arms Control and Disarmament Agency prepared a report to reassure UN officials. The report, published in July, 1962, said, in essence, that disarmament will not substantially reduce the spending of American tax dollars, but will deflect those dollars into such programs as social security, federal aid to education, urban renewal, financing mass transit systems, expanding public health and mental health activities, increasing foreign aid channeled through the United Nations.[8]

The peacetime spending which the Arms Control and Disarmament Agency promised in 1962 sounds like a specific blueprint of President Johnson's great society programs of 1965.

If completed, President Johnson's *great* society will be a *socialist* society. A socialist society cannot be achieved and maintained without dictatorship. The presidency is being transformed into a dictatorship, but what if strong public or congressional opposition develops?

Any thoughtful person who has watched the arrogant, lawless behavior of the Johnson administration; its studied efforts to deceive the people; its determined drive toward the total socialist state — must wonder: What *would* President Johnson do to salvage his schemes for a socialist America if he saw strong indications that those schemes were in danger? What *could* he do?

What could the President do?

In June, 1955, the Federal Civil Defense Administration staged Operation Alert, a nationwide rehearsal of civil defense operations in the event of a nuclear bombing raid on the United States. Operation Alert revealed that sudden disaster could cause drastic confusion in the civil defense system. It also revealed that absolute dictatorship would emerge before the casualties could be counted.

After receiving reports of the mock casualties in the mock nuclear air raid, in connection with Operation Alert, President Eisenhower, on June 16, 1955 (without waiting for reports to see whether normal civil authorities could maintain order) used his executive power to issue a mock declaration of martial law for the whole nation.[9]

Comments in the press and in Congress were, generally, unfavorable. To some, it was chilling to see how quickly a President of the United States would proclaim a military dictatorship in time of emergency and disaster. To others, Eisenhower's haste to issue a mock declaration of martial law

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indicated only that the administration had no adequate plan of action — that Eisenhower reached for the weapon of martial law because he did not know what else to do.[9]

U. S. News & World Report commented on what Americans could expect in the future:

"A military dictatorship, swift and complete, will take hold at the very moment of any big atomic attack on American cities.

"This is the word from top official sources in Washington following 'Operation Alert.' . . .

"The old idea of 'standby controls' which has been worrying some businessmen, no longer has any place in official planning.

"Instead, the President will simply take control —of businesses, banks, goods, prices, wages, just about everything—and worry about the legal authority later.

"Martial law will be clamped on the entire country. This will be the President's first official act after bombs start falling . . . .

"*Rules already written.* Businesses will be blanketed by regulations, already written and ready for issue. Raw materials will be rationed. Tools, trucks supplies will be subject to seizure.

"Banks will be given orders by Government. Money will be rationed. Depositors, if necessary, will be limited in how much they can draw out of the bank . . . .

"Workers will be ordered not to strike, or change jobs without permission.

"Prices and wages will be frozen. Rents will be controlled.

"Goods will be rationed. Censorship will be imposed at once. Credit will be controlled.

"Trains, trucking lines, airlines and ships will be permitted to carry only priority passengers or freight . . . .

"Farmers, under martial law, may find their livestock, land and crops commandeered for military use. Doctors and hospitals might have to give up medical supplies, and take orders from the government . . . .

"The Federal Civil Defense Act will come into full effect, empowering authorities to requisition property, including private homes and automobiles. In these areas, people will be subject to draft for whatever labor is needed.

"*Suspension of rights.* Individual rights and privileges will disappear for the time being. Habeas Corpus, which protects a citizen against imprisonment without due process of law, will be suspended. So will freedom of speech. Spreading rumors might get a person into trouble . . . .

"Once the dust begins to clear, Congress will be asked to ratify the emergency measures ordered by the President . . . .

"Says one defense official: 'Lincoln was a pioneer in use of the President's extraordinary powers. But the first President who has to cope with an atomic offensive will make Lincoln look like a piker."[10]

Lincoln did not assume extraordinary power as a matter of right, but as a matter of expediency, making little or no effort to show legal authority for his usurpations. It was Franklin D. Roosevelt (in Executive Order 6460b, issued November 9, 1933) who proclaimed, as a legal principle, that the President can do anything he pleases in time of dire emergency, and that the President alone can determine what is a dire emergency. Roosevelt's assumption has never been challenged in the courts or by Congress.

In 1958, President Eisenhower reorganized the civil defense system. He merged the Civil Defense Administration with the old Office of Defense Mobilization, creating a new agency called the Office of Civil and Defense Mobilization.[11]

President Kennedy felt that civil defense activities should be handled, not by a separate agency, but by regular departments of the executive branch of government — all of their activities to be planned and coordinated by a small presidential staff. Consequently, on July 20, 1961, Kennedy issued Executive Order No. 10952, abolishing the Office of Civil and Defense Mobilization, transferring most of its functions to the Department of Defense.[12]

On August 14, 1961, the President issued Executive Order No. 10958, giving the Secretary of Health, Education, and Welfare the civil defense responsibility of stockpiling medical supplies; giving the Secretary of Agriculture the civil defense responsibility of stockpiling food.[13]

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On September 22, 1961, the President created the Office of Emergency Planning (OEP), as a small White House staff to plan and coordinate the civil defense responsibilities delegated to various departments of government.[14]

On February 16, 1962, Kennedy issued *ten* Executive Orders (10995 and 10997 through 11005) assigning civil defense responsibilities throughout the agencies of government, instructing those agencies to "prepare national emergency plans and develop preparedness programs . . . with respect to all conditions of national emergency, including attack upon the United States." Here, officially, for the first time, civil defense became something besides planning for protection of the nation in the event of war: it became planning for complete dictatorship by the federal government in the event of *any kind of emergency* — the President himself to define and determine *emergency*. Note the limitless power delegated to agencies of government by President Kennedy's ten Executive Orders of February 16, 1962:

—10995 (later amended and expanded by Executive Order 11092 of February 26, 1963, and by Presidential Memorandum of August 21, 1963) gives the Office of Emergency Planning absolute power to control all telecommunications media (radio, television, telegraph, telephone, teletype, and so on).

—10997 gives the Secretary of the Interior absolute power to control all industries and workers involved in the production, transportation, or storage of oil, gas, solid fuels, minerals, electric power and related by-products.

—10998 gives the Secretary of Agriculture absolute power to control all industries and workers involved in activities related to the production, transportation, or storage of agricultural products and by-products and agricultural equipment. A stated purpose of this Executive Order is "to insure that available food resources are properly apportioned among and distributed to civilians, military and foreign claimants in an emergency."

—10999 gives the Secretary of Commerce absolute power to control industries and workers involved in transportation (including ports, railroads, highways, bus lines, trucking firms).

—11000 gives the Secretary of Labor absolute power to control *all* workers, including those to be recruited and trained.

—11001 expands the powers previously given (in Executive Order 10958, August 14, 1961) to the Secretary of Health, Education and Welfare to control health and education personnel and facilities, including doctors, teachers, hospitals, water supplies, funeral services.

—11002 gives the Postmaster General power and responsibility to register *all* persons in the United States.

—11003 gives the Administrator of the Federal Aviation Agency absolute power to control all civilian aircraft operations and facilities, including airlines and airports.

—11004 gives the Administrator of the Housing and Home Finance Administration absolute power to control lodging and housing. This power will no doubt be delegated, sometime in 1966, to the new Department of Housing and Urban Affairs.

—11005 gives the Interstate Commerce Commission absolute power to establish a single, unified operations system for all railroads and other surface transportation facilities.[15]

On September 21, 1962, one year after President Kennedy had created the presidential staff known as the Office of Emergency Planning, he issued an Executive Order (11051) prescribing its responsibilities. Executive Order 11051 also amends 15 previous Executive Orders (five of which had been issued by President Truman, eight by President Eisenhower, two by President Kennedy himself). The amendments delete all references to "Civil and Defense Mobilization," replacing those references with "Office of Emergency Planning."[16]

The significance of this change in language is subtle.

In November, 1962, the Eighth NATO Parliamentarians' Conference met in Paris, attended by delegates from the parliaments of the 15 countries belonging to the North Atlantic Treaty Organization. Thirteen United States Senators (under chairmanship of J. William Fulbright, Arkansas Democrat); and eight United States Representatives (under chairmanship of Wayne L. Hays, Ohio Democrat) made up the delegation from the

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American "parliament" to the Eighth NATO Parliamentarians' Conference. Senator Fulbright's official report to the Senate on the Conference contains a brief section on Civil Defense, from which the following is quoted:

"Civil emergency planning is much wider in its implications than civil defense.

"Whereas civil defense can be considered as a purely national responsibility, civil emergency planning requires close cooperation between the NATO Allies . . . .

"Although civil emergency planning does not directly encroach on the responsibilities of national authorities, nevertheless on a number of points the organization of the latter will have to take account of the former's planning and preparations."[17]

Here appears to be a reason for changing "civil defense" and "defense mobilization" to "emergency planning." It takes our civil defense preparations out of the "purely national" realm, and makes them part of an over-all international plan. This highlights the significance of Executive Order 10998 (discussed above) which empowers the Secretary of Agriculture to give American food resources to "foreign claimants."

On February 26, 1963, President Kennedy issued nine more Executive Orders (11087 through 11095) delegating emergency planning activities to heads of government agencies not mentioned in previous Orders: Federal Communications Commission, Civil Service Commission, Atomic Energy Commission, General Services Administration, Federal Reserve System, Tennessee Valley Authority, Federal Power Commission, National Science Foundation, and others. Executive Order 11087 authorizes the Secretary of State to conduct foreign affairs, "including but not limited to" carrying out plans for "intergovernmental agreements and arrangements." The Secretary of State is empowered to control all activities involving foreign governments and organizations — including foreign aid and economic measures that affect civilian economies.[18]

On September 22, 1964, President Johnson issued Executive Order 11179, which provides for training and maintaining a National Defense Executive Reserve composed of businessmen who would be needed to continue industry and management functions under the Office of Emergency Planning.[19]

In all, Kennedy issued 23 Executive Orders (in addition to those already issued by Truman and Eisenhower) dealing with emergency planning. Johnson has issued one.

The Executive Orders have been published in the *Federal Register*.[12, 13, 15, 16, 18, 19] This is the modern way of giving executive proclamations the force of law. In the formulation of such "executive law," Congress does not deliberate and legislate, in response to the desires of the people and in conformity with grants of power in the Constitution. Congress is reduced to the role of appropriating taxpayers' money to pay for the President's schemes.

Executive laws proclaimed by our Presidents and published in the *Federal Register* are designed to transform our Republic into a dictatorship. Using this body of law as its authority, the White House staff known as the Office of Emergency Planning has prepared detailed plans for the dictatorship — for a police state potentially more nearly complete than any that has ever existed in modern times.[20]

Note the following excerpts from an Associated Press story published July 12, 1965, in the *Los Angeles Times*:

"The man who would boss the homefront mobilization if Vietnam should escalate into a Korea-size war or worse says the standby machinery is ready and the economy well braced.

" 'We are prepared' reported Buford Ellington, director of the Office of Emergency Planning . . . .

" 'Our domestic mobilization plan is complete and, we think, up to date.

" 'The OEP has taken no special measures to cope with a possible escalation of the Vietnamese fighting. None are planned. We are prepared.' . . .

"Their mobilization effort would begin almost simultaneously with the proclamation of national emergency.

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"The President would issue a ready-written order. It would freeze all prices, rents, and wages for at least five days.

"The states would print and issue ration cards and coupon books, using reproduction plates already supplied by Washington.

"Even the food-ration level has been fixed in advance. It is 2,000 to 2,500 calories a day . . . .

"The freeze would be lifted by states as new war powers were legislated and formal orders issued: price and rent ceiling regulations, curbs on credit, seizure authority, priorities on travel and communications . . . ."

The President need not wait for a war emergency to invoke dictatorship, however. Executive Orders issued during the Kennedy administration required planning for seizure of power in any kind of emergency.

A serious racial disturbance could be deemed a dire emergency. The Johnson administration is still agitating the race problem. For example, President Johnson has called a White House Conference on Civil Rights, to be held in the spring of 1966. At a planning session in November, 1965, leftwing negro leaders who will conduct the White House Conference disclosed some of the demands they will make:

— a 100-billion-dollar federal housing program *for negroes;*

— a revision of school textbooks to give a better image of negroes;

— federal protection for civil rights workers, including on-the-spot arrests (without warrants or any other form of due process of law) of anyone whom civil rights workers consider an obstruction to their civil rights activities;

— repeal of the right-to-work section of the Taft-Hartley Act;

— revision of federal law to require a minimum wage of $1.75 an hour;

— vastly expanded federal programs in the fields of education, health, job training.[21]

Thus far, the Johnson administration has granted civil rights agitators virtually everything they have seriously demanded of the federal government. Hence, the agitators expect to be obeyed when they make demands. Yet, with costs of the Vietnam war skyrocketing, many members of Congress (even some who supported Johnson's great society legislation in 1964 and 1965) are saying that domestic spending must be reduced in 1966, not enlarged.

If racial agitators (egged on by the White House) see their demands ignored in the summer of 1966, they may incite enough domestic insurrection and civil turmoil to make the Watts explosion of 1965 look, by contrast, like a harmless demonstration.

A nationwide strike, ordered by union officials who have been pampered by Presidents of the United States and given special privileges by federal law, could cause a national emergency.

Any time the President wants enough dictatorial power to silence all critics and overcome all political opposition, he need only declare a national emergency. He can create an emergency, or a combination of emergencies, any time he pleases.

WHO IS DAN SMOOT?

Born in Missouri, reared in Texas, Dan Smoot went to SMU getting BA and MA degrees, 1938 and 1940. In 1941, he joined the faculty at Harvard as a Teaching Fellow, doing graduate work for a doctorate in American civilization. From 1942 to 1951, he was an FBI agent: three and a half years on communist investigations; two years on FBI headquarters staff; almost four years on general FBI cases in various places. He resigned from the FBI and, from 1951 to 1955, was commentator on national radio and television programs, giving *both* sides of controversial issues. In July, 1955, he started his present profit-supported, free-enterprise business: publishing *The Dan Smoot Report*, a weekly magazine available by subscription; and producing a weekly news-analysis radio and television broadcast, available for sponsorship by reputable business firms, as an advertising vehicle. The *Report* and broadcast give *one* side of important issues: the side that presents documented truth using the American Constitution as a yardstick. If you think Smoot's materials are effective against socialism and communism, you can help immensely — help get subscribers for the *Report*, commercial sponsors for the broadcast.

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President Johnson may continue to get so much of what he wants that he will never invoke the plans for dictatorship. But such plans should not exist. They hang over our heads like Damocles' sword.

Our hope for restoration of constitutional government lies in Congress. The Constitution gives Congress control of government's purse strings. Hence, Congress, by withholding money, can thwart all unconstitutional schemes of a President. The present Congress is, of course, a mere toady to the President; but, in the 1966 elections, voters could change that situation.

The AFL-CIO Committee on Political Education (COPE) is the leading propaganda arm of America's labor union leaders. COPE assumes major credit for installing the collectivist majority of Johnson's 89th Congress. In an article entitled "1966 . . . Toughest Test Is Coming," the January 10, 1966, COPE newsletter warns totalitarian liberals that unless they work as never before to impede the spectacular growth of conservative American political action groups, liberals *will lose* their majority representation in the November, 1966, elections.

What better call to political action can there be for constitutional conservatives to work as never before? When the voters of America send a substantial number of constitutional conservatives to Congress, the drive toward socialist dictatorship will halt; and the drive to restore our constitutional Republic will begin!

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FOOTNOTES

(1) AP story by J. M. Roberts, *The Dallas Morning News*, November 1, 1962, Section 1, p. 8

(2) *Congressional Quarterly Weekly Report*, May 17, 1963, p. 783

(3) For details on the situation in Alabama from 1963 through and including the Selma march, see this *Report*, "Voting Rights Bill," May 10, 1965.

(4) For background information on Panama and communist demands, see "Panama, Part I" and "Panama, Part II," issues of this *Report* dated January 20 and 27, 1964.

(5) "Johnson is Playing a Losing Game in Latin America," by James Jackson Kilpatrick, *Human Events*, October 16, 1965, p. 8

(6) "U. S. To Scrap 1903 Treaty With Panama," by Mike Quinn, *The Dallas Morning News*, September 25, 1965, p. 1A

(7) For discussion of U. S. disarmament activities, see the following *Reports*: "Are We Afraid To Defend Ourselves?", "Disarmament Story — Part I," "Disarmament Story — Part II," January 17, 24, and 31, 1966.

(8) *The Economic and Social Consequences of Disarmament*, U. S. Arms Control and Disarmament Agency Publication 6, July, 1962; "Would Disarmament Mean a Depression?" by Emile Benoit, *The New York Times Magazine*, April 28, 1963 pp. 16 ff.

(9) *The Powers of the President as Commander in Chief of the Army and Navy of the United States*, House Document No. 443, June 14, 1956, pp. 14, 137-45

(10) "If War Comes, What Business Can Expect," *U. S. News & World Report*, July 1, 1955, p. 44

(11) *Congress and the Nation*, Congressional Quarterly, Inc., 1965, p. 300

(12) 26 FR 6577

(13) 26 FR 7571

(14) *U. S. Government Organization Manual* 1963-64, General Services Administration, July, 1963, pp. 58-61

(15) 27 FR 1519, 1522, 1524, 1527, 1532, 1534, 1539, 1540, 1542, 1544

(16) 27 FR 9683

(17) *Eighth NATO Parliamentarians' Conference*, Report to the Senate Committee on Foreign Relations, April 8, 1963, p. 23

(18) 28 FR 1835, 1837, 1839, 1841, 1843, 1847, 1851, 1855, 1859

(19) 29 FR 13239

(20) *The National Plan for Emergency Preparedness*, Edited and Published by the Office of Emergency Planning, December, 1964, 128 pp.

(21) "Johnson Prodded On Rights Safety," by John Herbers, *The New York Times*, November 19, 1965, pp. 1, 27; "Civil Rights: What's In The Wind Now," *U. S. News & World Report*, November 29, 1965, p. 8

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